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PATENT
Customer No. 22,852
Attorney Docket No. 04329.3122

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kazuya FUKUHARA et al.

Group Art Unit: 2886

Patent No.: 7,286,216 B2

Examiner: Isiaka O. AKANBI

Issued: October 23, 2007

For: EXPOSURE APPARATUS
INSPECTION METHOD AND
EXPOSURE APPARATUS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPLICATION FOR PATENT TERM ADJUSTMENT-POST GRANT

In accordance with 37 C.F.R. § 1.705(b), Applicants hereby apply for patent term adjustment under 35 U.S.C. § 154(b) of 255 days. This application is being filed within two months of issuance of the above patent, as required by 37 C.F.R. § 1.705(d).

I. Statement of the Facts Involved

A. Correct Patent Term Adjustment

According to information printed on the face of the above-identified issued patent, this patent is entitled to 232 days of patent term adjustment.

Applicants have calculated a patent term adjustment of 255 days based on the following facts:

The above-identified application was allowed on July 5, 2007.

An Information Disclosure Statement (IDS) under 37 C.F.R. § 1.97(d) was filed on July 25, 2007.

The issue fee was paid on September 14, 2007.

The IDS filed on July 25, 2007, was acknowledged by the Examiner on August 16, 2007, but was never transmitted to Applicants. A copy of the Examiner's

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acknowledgement was obtained from the U.S. Patent and Trademark Office's Patent Application Information Retrieval (PAIR) system.

The Examiner issued a supplemental communication dated September 19, 2007, acknowledging an IDS filed December 7, 2004. Applicants note that the December 7, 2004, IDS was previously acknowledged in part on December 31, 2005, and included in an Office Action dated January 11, 2006, and in whole on February 23, 2007, and included in an Office Action dated March 5, 2007.

Since the Examiner considered the July 25, 2007, IDS on August 16, 2007, Applicants respectfully request that the loss of term attributable to Applicants delay from August 16, 2007, to September 19, 2007, be restored.

The patent's issue date is October 23, 2007.

Thus, the total adjustment based on PTO delay is 440 days and Applicants' delay of 185 days should be a patent term adjustment of 255 days total. Applicants therefore respectfully request that the current patent term adjustment be reconsidered.

B. Reasonable Efforts

There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing of examination of the above-identified application, as set forth in 37 C.F.R. § 1.704.


II. Fee

As required by 37 C.F.R. § 1.705(b)(1), this application is accompanied by a check for \$200.00 to cover the required fee. Please charge any deficiencies to our Deposit Account No. 06-0916. If there are any other fees due in connection with the filing of this request, please charge them to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
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Dated: December 21, 2007

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